

Discrimination Complaint Process (29 CFR 1614)

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Basis for discrimination



Can you identify the issue of Alleged Discrimination?

IF YES

* Complaints based on sexual orientation cannot be the subject of either a hearing before an Administrative Judge of the EEOC or an appeal to EEOC.

If Yes =



You must contact the EEO office for an **EEO Counselor** within

45

45 calendar days

of alleged incident or effective date of the action.

Counseling 3



• 30 calendar days

• with an additional 60 calendar days
if extension is granted or complainant requests mediation

Resolution 4



Dispute Resolution

• In the event of resolution, the EEO Counselor or mediator will draw up a settlement agreement

• If no resolution →

The EEO Counselor will conduct . . . 5

• Final interview to close out informal process

AND

• Inform the complainant of the right to file a formal complaint within

15

15 calendar days

IHS has 180 calendar days from the date of the filing to... 6

• Accept or dismiss the complaint

• Conduct investigation and develop an investigative summary

• Issue the **Report Of Investigation (ROI)** to complainant

Choose 7

within **30 Days** from receipt of ROI:

180

• Hearing (to be held within 180 days) with an EEOC Administrative Judge (AJ)

OR

60

• Immediate **Final Agency Decision (FAD)** (to be given within 60 days)

Departmental Decision 8



• **Final Decision** by HHS (no hearing) within **60 days**

OR

• Final Order (hearing) issued within **40 days** of receipt of AJ's Decision

Appeal 9



• To EEOC within **30 days** of receipt of FAD (in writing)

• To US District Court within **90 days** of receipt of FAD